(5)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Writ Petition No. 3323 of 2006

PETITIONER: Jagat Narayan Mishra,
S/o Late R.L. Mishra,
Aged about 46 years,
Occupation: Service,
Presently posted as Accountant
in Principal Pre Examination
Training Centre, Bilaspur,
R/o Seepat Road, Sarkanda,
Bilaspur, Chhattisgarh.

P.R. No. 3373/06
Presented by Shri S.S. Luthra
dated 6/7/06

- Versus -

RESPONDENTS:

1. State of Chhattisgarh,
Through the Secretary,
Scheduled Castes & Scheduled
Tribes Welfare Department,
Mantralaya, D.K.S. Bhawan,
Raipur, Chhattisgarh.

2. Commissioner,
Scheduled Castes & Scheduled
Tribes Welfare Department,
Govt. of Chhattisgarh, Raipur,
Chhattisgarh.

3. Collector, Bilaspur,
District: Bilaspur, Chhattisgarh.

4. Assistant Commissioner,
Tribal Welfare, Dantewada,
District: Dantewada,
Chhattisgarh.

OATH COMMISSIONER S.R. Kaushik BILASPUR TAHSIL

RECEIVED-COPY
CLERK to A.G. BILASPUR
6/7/06

Free

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(30)

आदेश पत्रक

मामला क्रमांक W.P.(S) 33.22/06 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10-7-2006:-

Shri Rajeev Shrivastava, counsel for the petitioner.

Shri Ashutosh Kachhawaha, Govt. Advocate for the State/ respondents, on advance copy.

Heard both the counsel.

By this petition, the petitioner has questioned legality, propriety and correctness of the order dated 1st July 2006 (Annexure-P/4) whereby the petitioner has been transferred from the post of Pre Training Centre, Bilaspur to the office of Assistant Commissioner, ST Development, Dantewada.

The main challenge to the said order is that there is no post of Accountant in the office of Assistant Commissioner, ST Development, Dantewada, even then he has been transferred to that place, and, therefore, the petitioner will not be able to get salary as there is no sanctioned post.

Learned counsel for the petitioner invited attention of the Court towards the letter of Deputy Commissioner of ST and SC Development, Raipur in which it has been mentioned that on account of non creation of the post of Accountant, the accountants are not able to get salary.

This petition has been listed today for admission and before filing this petition, the petitioner has not delivered any notice for demand of justice to the respondents, therefore, in the first instance, the petitioner is directed to make a detailed representation along with copy of this petition and relevant documents to the respondent No.1 highlighting this anomaly that there is no sanctioned post where the petitioner has been transferred, within a period of 10 days from today and in turn, respondent No.1 to consider and decide points raised by the petitioner in the representation

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(31)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

within a period of 30 days from the date of receipt of representation, pass appropriate order in accordance with law and to see whether the post is sanctioned or not. It is but natural that if the post is not sanctioned, from where the petitioner will get salary. However, if the petitioner is not relieved, then he should not be relieved till the representation of the petitioner is decided.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2552/2006 stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve